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RICHARD W. WIEKING
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NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 James Alan Bush
08 FEB 04 2008 1745 De Marietta Avenue #3
2 San Jose, CA 95126
RICHARD W. WIEKING CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA
in pro se

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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

10 SAN JOSE DIVISION

N/C

11
12 James Alan Bush) CASE NO.: C 08-00539 JF (RS)
13 Plaintiff)
14 v.) MOTION FOR EX PARTE ORDER TO
15 United States Attorney General,) COMPEL RECOVERY AND SEIZURE
16 et al.,) OF STOLEN EVIDENCE
17 Defendants.)
18 _____) Judge: Jeremy Fogel
19
20 Plaintiff, James Alan Bush, prays the Court order the San Jose
21 Police Department to recover and seize evidence related to this matter
22 (and a pending matter), which was stolen from Plaintiff's home, at
23 1745 De Marietta Avenue #3, San Jose, California 95126.
24 The evidence consists of:
25 • LG VX9800 Cellphone: identifying marks include a broken front
26 screen, which is noticeable only when the phone is turned on;
and,

1 • DVD case, with up to 15 DVDs: most are marked "Evidence,"
2 followed by a date, written in black ink via a felt marker.

3

4 By his own admission, Lamont Doe aka "Don" aka "Donnie", is in
5 possession of both items, and is keeping them at his residence,
6 situated at **1174 Francisco Avenue, San Jose, CA 95126**.

7 Given the sensitive nature and volatility of the subject matter,
8 Plaintiff seeks immediate relief.

9

10 ABSENCE OF AVAILABLE AND EFFECTIVE REMEDIES

11 The San Jose Police Department and the Santa Clara County Sheriff's
12 Office have been notified of the burglary as of February 1st, 2008.
13 Consequently, San Jose Police Department opened a case (No. 08-032-
14 9727); however, they are refusing and/or are unable to properly and
15 effectively investigate the event and bring the perpetrator to
16 justice.

17 Given further other substantial indicators of local law enforcement
18 acquiescence in this crime and its unwillingness to support legal
19 initiatives that might be undertaken to obtain relief for the
20 plaintiff, efforts to secure remedies through local law enforcement
21 must be considered futile. Moreover, any efforts to obtain relief from
22 local law enforcement could well result in further serious reprisals
23 against the plaintiff for making allegations of wrongdoing on the part
24 of high-level law enforcement agencies, as well as against the local
25 attorneys representing the complainant.

26 For this reason, requirements for exhaustion of efforts to obtain

1 local relief should be considered waived and satisfied.

2

3 Plaintiff asserts that, to his full knowledge and to the best of his
4 ability, the information contained in this document is true.

5

6 Signed: 

Dated: 2-2-08